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Chambers of Vincent L. Briccetti

DA

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA :

v. :

JOHN ASMODOE, :

Defendant. :

**ORDER**

15 CR 327 (VB)

For substantially the reasons set forth in the government's response to defendant's "motion for disclosure of documents," the motion is DENIED.

First, there is no active proceeding pending before the Court. Defendant pleaded guilty, was sentenced, and appealed; his conviction was affirmed and his petition for a writ of certiorari was denied; and his motion for relief pursuant to 28 U.S.C. § 2255 was also denied. Moreover, even if there were an active proceeding, defendant would not be entitled to discovery. This is because even if defendant obtained the discovery he seeks, there is no reason to believe he would be entitled to any further relief—given that when defendant entered his guilty plea, the Court found, based on the government's proffer, defendant's allocution, and his attorney's statement that there was no reason to contest the interstate commerce element, that there was a sufficient factual predicate for the guilty plea. Finally, defendant's intended challenge to the sufficiency of the evidence underlying his conviction is foreclosed by his guilty plea, because by pleading guilty he chose not to challenge the sufficiency of the government's evidence at trial.

The Clerk is instructed to terminate the motion. (Doc. #138).

Chambers will mail a copy of this order to defendant at the following address:

John Asmodeo, Reg. No. 71950-054  
FCI Danbury  
Federal Correctional Institution  
Route 37  
Danbury, CT 06811

Dated: January 27, 2025  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge